

10. The apparatus of claim 9 wherein the pattern of load points includes one or more linear patterns.

11. The apparatus of claim 9 wherein the pattern of load points includes two or more parallel linear patterns.

R E M A R K S

Referring to the Office Action mailed March 7, 2003, applicants have carefully studied the Examiner's rejections, and have responded accordingly.

Claims 1-7 and 9-11 stand rejected under the judicially created doctrine of double patenting. Independent claim 1 as previously amended and the clarity provided by Fig. 1A, 1B, 2A and 2B distinguishes over the claims of US Patent No. 6,158,184. Claims 2-7 and 9-11 are dependent on claim 1.

Applicant presents for the examiners consideration Fig. 1A, 1B, 2A and 2B. The figures were inadvertantly omitted from the original filing and amendment A. The proposed figures are supported by paragraphs [0022] and [0023] in the specification as filed and to the originally filed claims. No new matter is added by the proposed drawings.

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because reference characters 515 and 532' as described are not shown. By this amendment, Fig. 1A, 1B, 2A and 2B are included and contain the missing reference designators.

The disclosure stands objected to because of informalities in paragraph [0001]. Paragraph [0001] was amended by the previous amendment to remove the informalities.

The specification is objected to as failing to provide proper antecedent basis for "linear patterns" and "parallel linear patterns" of claims 8-11.

Paragraph [0022] includes support for "linear patterns" and "parallel linear patterns" at lines 18-20. These features are also identified in the previously missing Fig. 1A, 1B, 2A and 2B herein included.

Claims 1-7 and 9 stand rejected under 35 USC § 102(b) as being anticipated by 5,706,626 to Mueller. Claim 1 has been previously amended and the inclusion for the Examiners consideration of Fig. 1A, 1B, 2A and 2B distinguishes the load points referenced in 5,706,626 to Mueller. Mueller does not teach or suggest controlling the ductile response of a metal panel by providing load points in a panel to "cause material M surrounding load points ... to absorb lateral loading and deform".

Claims 10 and 11 stand rejected under 35 USC § 103(a) as being unpatentable over 5,706,626 to Mueller. The two load points referenced by the examiner in 5,706,626 to Mueller are not elements of the Mueller panel but forces applied to top plates 162 of wall 168. Mueller does not teach or suggest controlling the ductile response of a metal panel by providing load points in a panel to "cause material M surrounding load points ... to absorb lateral loading and deform". The inclusion for the Examiners consideration of Fig. 1A, 1B, 2A and 2B further distinguishes claims of the present application from load points referenced in 5,706,626 to Mueller.

Applicant respectfully requests that the Examiner consider the claims, allow the claims, and pass this case to issue.

Respectfully Submitted,

A handwritten signature in cursive script, reading "Paul J. Backofen", written over a horizontal line.

Paul J. Backofen, Reg. No. 42,278

IRELL & MANELLA LLP

1800 Avenue of the Stars, Suite 900

Los Angeles, CA 90067-4276

(310) 277-1010 Telephone

(310) 203-7199 Facsimile